

**REMARKS**

This amendment responds to the Office Action dated August 20, 2008, in which the Examiner rejected claim 10 under 35 U.S.C. § 101, and rejected claims 1-10 under 35 U.S.C. § 103.

As indicated above, claim 10 has been amended in order to be directed to statutory subject matter. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claim 10 under 35 U.S.C. § 101.

As indicated above, claim 1 has been amended in order to correct an inadvertent typographical omission. Applicants respectfully submit that the amendment is unrelated to a statutory requirement for patentability and does not narrow the literal scope of the claim.

Claim 1 claims a recording control apparatus, claim 8 claims a recording control method, claim 9 claims a program and claim 10 claims a computer readable medium. The apparatus, method, program and medium (a) record data having a first data amount for a first data series and (b) record data having a second data amount for a second data series onto an optical disk so that the respective data are periodically arranged in a circumferential direction of the optical disk in the form of annular rings respectively. A third data series is recorded onto the optical disk so that the third data series is arranged at random independently of the first and second data series.

By recording a third data series onto an optical disk so that the third data series is arranged at random independently of the first and second data series which are periodically arranged in a circumferential direction of the optical disk in the form of annular rings, as claimed in claims 1 and 8-10, the claimed invention provides an apparatus, method, program and medium which allows for high-speed reproduction and retrieval. The prior art does not show, teach or suggest the invention as claimed in claims 1 and 8-10.

Claims 1 and 6-10 were rejected under 35 U.S.C. § 103 as being unpatentable over *Brook, et al.* (U.S. Publication No. 2003/0146915) and *Tezuka, et al.* (U.S. Patent No. 5,206,850).

Applicants respectfully traverse the Examiner's rejection of the claims under 35 U.S.C. § 103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicants respectfully request the Examiner withdraws the rejection to the claims and allows the claims to issue.

*Brook, et al.* appears to disclose in FIG. 21 a method for capturing and/or importing and storing media data. Media data is captured and is stored in a raw-clip directory. Meta-data for a file is created in the process. A raw-clip meta-data record and information is stored in a raw-clip meta-data record and this record is added by a clip manager process to a meta-data database [0277]. FIG. 24 shows a directory structure 2400 which contains all media files and their associated meta-data [0288]. A metaDB directory 2410 stores meta-data associated with corresponding clips. The meta-data is stored in five files. These files are lists of meta-data records, each record describing one meta-clip [0290].

Thus, *Brook, et al.* merely discloses a directory 2410 storing five files of meta-data. Nothing in *Brook, et al.* shows, teaches or suggests recording a third data series onto an optical disk so that the third data series is arranged at random independently of the first and second data series which are recorded on the optical disk periodically arranged in a circumferential direction in the form of annular rings as claimed in claims 1 and 8-10. Rather, *Brook, et al.* merely discloses a hard disk device storing a metaDB directory which stores meta-data in five files (i.e., nothing in *Brook, et al.* shows, teaches or suggests the way data is stored including the randomly independently arranged data).

*Tezuka, et al.* appears to disclose a compact disk CD having digitized audio signals recorded as a plurality of sectional program data on a rotatable disk-like recording medium. The recording format is standardized and the plurality of sectional program data are recorded together with address data along a spiral track on a main annular recording area while table-of-content data (TOC data) identifying the sectional program data in the main recording area are recorded along the spiral track in another annular recording area, termed a lead-in area. Furthermore, another annular area, termed a lead-out area, is formed around the outer periphery of the main recording area. (Col. 1, lines 15-29). The TOC data is stored in a memory during recording of the program data and after all program data has been recorded, the TOC data is read from the memory and recorded without interruption in the lead-in area 12 up to the beginning of the recording of the program data and the recording area 14. By avoiding a gap or non-recorded region between the TOC data recorded in the lead-in area 12 and the program data recorded in the main annular recording area 14, a writable record disk has a format equal to that of a conventional compact disk and may be reproduced or played back by a conventional CD player. (Col. 6, lines 20-37).

Thus, *Tezuka, et al.* merely discloses a recording a Table of Contents (TOC) in a lead-in area on a disk. Nothing in *Tezuka, et al.* shows, teaches or suggests recording a third data series arranged at random independently of first and second data series which are periodically arranged in a circumferential direction of an optical disk in the form of annular rings as claimed in claims 1 and 8-10. Rather, the TOC data of *Brook, et al.* is recorded in a lead-in area and thus is not arranged at random and independent of the first and second data series.

A combination of *Brook, et al.* and *Tezuka, et al.* would merely suggest that rather than record the information of *Brook, et al.* into a file structure, to instead record it on a disk and to

include the directories of *Brook, et al.* in the lead-in area as taught by *Tezuka, et al.* Thus, nothing in the combination of the references shows, teaches or suggests recording a third data series at random independently of the first and second data series which are periodically arranged in the circumferential direction of an optical disk in the form of annular rings as claimed in claims 1 and 8-10. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 1 and 8-10 under 35 U.S.C. § 103.

Claims 6-7 depend from claim 1 and recite additional features. Applicants respectfully submit that claims 6-7 would not have been obvious within the meaning of 35 U.S.C. § 103 over *Brook, et al.* and *Tezuka, et al.*, at least for the reasons as set forth above. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 6-7 under 35 U.S.C. § 103.

Claims 2-5 were rejected under 35 U.S.C. § 103 as being unpatentable over *Brook, et al.*, *Tezuka, et al.*, and further in view of *David* (U.S. Publication No. 2002/0131763).

Applicants respectfully traverse the Examiner's rejection of the claims under 35 U.S.C. § 103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, Applicants respectfully request the Examiner withdraws the rejection to the claims and allows the claims to issue.

As discussed above, since nothing in the primary references shows, teaches or suggests the primary features as claimed in claim 1, Applicants respectfully submit that the combination of the primary references with the secondary reference to *David* will not overcome the deficiencies of the primary references. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 2-5 under 35 U.S.C. § 103.

Thus, it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested. Should

the Examiner find that the application is not now in condition for allowance, Applicants respectfully request the Examiner enters this amendment for purposes of appeal.

**CONCLUSION**

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

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Date: October 24, 2008

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